



RCMP INVESTIGATION – SUDDEN DEATH OF DONALD DUNPHY

RCMP investigational findings into the Royal Newfoundland Constabulary member involved shooting death of Donald DUNPHY in Mitchell's Brook, Newfoundland and Labrador on April 5, 2015

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Overview

Constable (Cst.) Joseph SMYTH of the Royal Newfoundland Constabulary (RNC) was employed as a member of the Protective Services Unit (PSU). Cst. SMYTH, along with a member of the Royal Canadian Mounted Police (RCMP), made up the Premier's Protective Detail (PPD). The unit is mandated to provide close protection services for the Premier of Newfoundland and Labrador and to gather intelligence on persons and groups of interest that could potentially cause direct or indirect harm to the Premier, the Office of the Premier or to any other elected government official.¹

On April 3, 2015 Cst. SMYTH received an email from Donna IVEY of the Premier's Office advising of an electronic message on Twitter² that could have been interpreted as a threat to Government Officials. Cst. SMYTH reviewed the electronic message and conducted an investigation, the goal of which was to learn the identity of the person that drafted the electronic message and to determine if there was any cause for concern.

Over the course of next two days Cst. SMYTH conducted a cursory investigation and determined the likely author of the message was a Donald DUNPHY of Mitchell's Brook, NL. Before visiting DUNPHY, Cst. SMYTH conducted a risk assessment and determined the threat to his safety was low.

On April 5, 2015 (Easter Sunday) Cst. SMYTH attended the community of Mitchell's Brook to speak with Donald DUNPHY.³ Upon arrival, DUNPHY was not at home. Cst. SMYTH visited a neighbor, Richard DUNPHY, who was the brother of Donald DUNPHY, and asked questions relevant to his risk assessment and the matter he was investigating. Cst. SMYTH was told Donald DUNPHY, although disgruntled and perhaps angry, was not violent and did not have any firearms in his residence.

Upon leaving the neighbor's residence, Cst. SMYTH noted a vehicle parked in DUNPHY's driveway that was not there previously. He decided to revisit the house to determine if DUNPHY had returned. He successfully located DUNPHY at his home and they engaged in conversation in front of the house, where Cst. SMYTH identified himself as a police officer. Cst. SMYTH was invited inside DUNPHY's residence, and a conversation occurred that began with general conversation, discussion about DUNPHY's injuries, and ongoing struggles with his Worker's Compensation claim. They entered the living room of the house and Cst. SMYTH

¹ RNC Personnel Order dated April 8, 2013 for PSU.

² Twitter is an online social networking service that enables users to send and read short 140-character messages called "tweets".

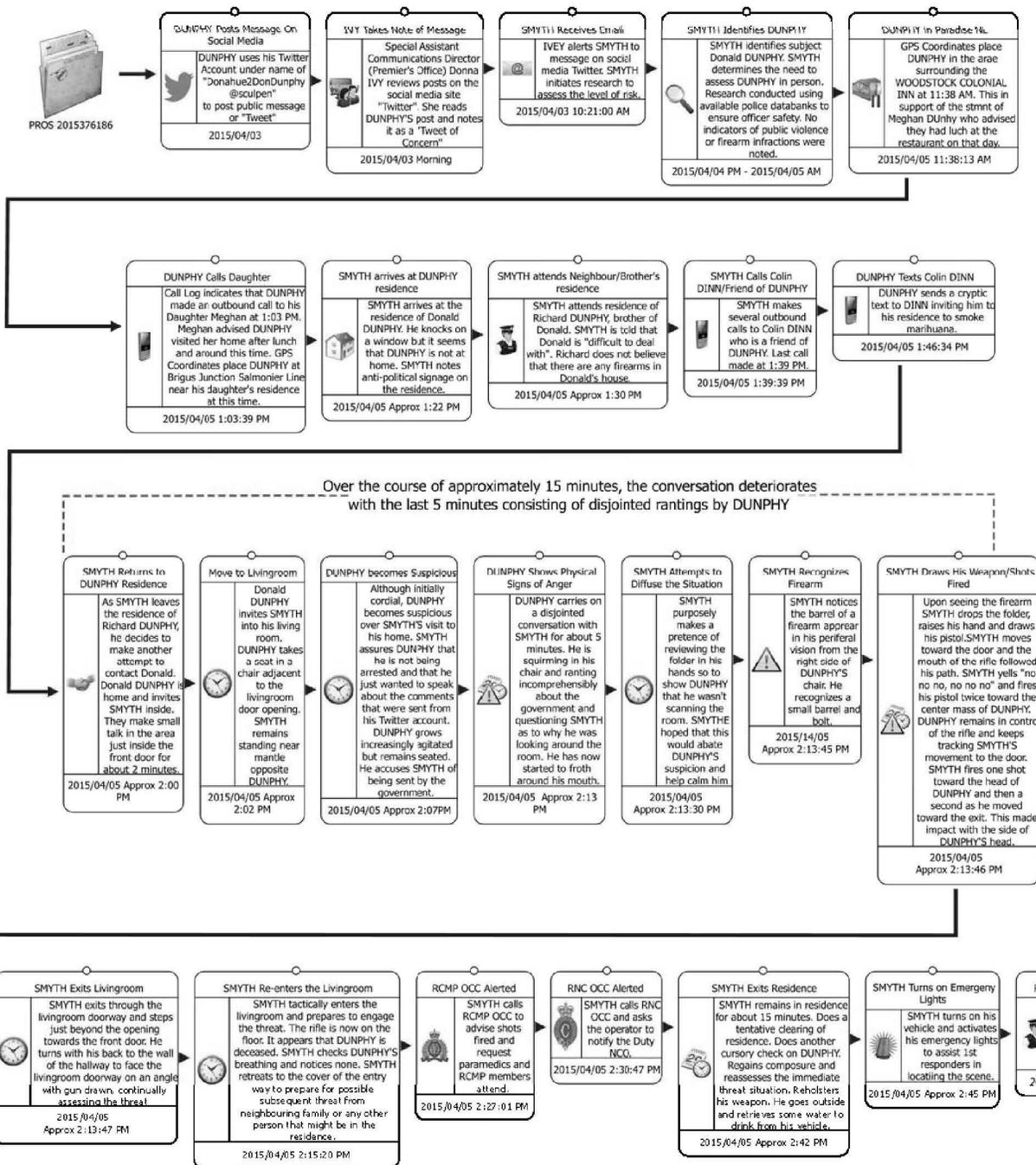
³ Cst. SMYTH's work schedule indicated he was scheduled to work from 8:00 am to 8:00 pm on April 5, 2015.

noted DUNPHY's home to be in a state of disrepair and squalor, and expressed concern for DUNPHY's well-being. DUNPHY was told Cst. SMYTH had visited because of the comments he had made on Twitter, and Cst. SMYTH attempted to discuss that with him. In the passing minutes, DUNPHY became agitated and the conversation became less cordial. DUNPHY called Cst. SMYTH an 'arm of the Government' and a Governmental 'puppet'. DUNPHY stated it was the Government's fault that he was living in poverty. During conversation Cst. SMYTH saw the barrel of a long weapon coming from DUNPHY's right hand side. DUNPHY was seated in a chair and Cst. SMYTH was standing across the room near the fireplace mantle. In response to the threat of the long gun, Cst. SMYTH unholstered his service weapon and while escaping the living room, fired four rounds at DUNPHY. Cst. SMYTH struck DUNPHY once in the abdomen, twice in the head, and missed DUNPHY with one round. DUNPHY is believed to have died immediately. After clearing the house and re-assessing his threat level, Cst. SMYTH left the residence and called both the Royal Canadian Mounted Police (RCMP) and the RNC, advising of the shooting.

Timeline

PROS 201.53761.86: Sudden Death-Dunphy

Protected B



Initial Complaint / RNC Investigation

Ms. Donna IVEY - Provincial Government Employee

As part of her duties as the Premier's Special Assistant Communications Director she monitors media, including social media, and posts to the Government Facebook Page and the Premier's Facebook page. On April 3, 2015 (Good Friday), she was at home browsing through media and noted a series of electronic messages composed by "Donahue2DonDUNPHY". The messages were in response to a tweet by Minister Felix COLLINS but did not appear related to his initial tweet. There were six or seven tweets, the majority of which were not threatening in any way, that simply expressed dissatisfaction with Worker's Compensation. One of the seven tweets did concern her as there was some mention of 'hurting' family members. She felt the "hurt" may have been a physical threat and forwarded the message via email to Cst. SMYTH and Corporal (Cpl.) Doug NOEL, also of the Premier's Protective Detail, for their assessment. This was not a unique occurrence and it is not uncommon for staff to forward letters, social media messages and other correspondence to the Premier's Protective Detail for assessment.

Statement of Donna IVEY (a0010.mp3) (219.PDF)

Mr. Tom MAHONEY - Worker's Compensation Employee

Tom MAHONEY provided Cst. SMYTH with contact information for the Donald DUNPHY that was a client of Worker's Compensation. MAHONEY said there had been no threats but that he was aware of Donald DUNPHY because he had been posting about a Worker's Compensation employee. He also directed his staff to monitor DUNPHY's tweets in the event something else came up. Statement of Tom MAHONEY (a0011.mp3) (221.PDF)

Cst. Joseph SMYTH – RNC Police Officer Involved

On April 3, 2015 Cst. SMYTH received and assessed "Tweet of Concern", termed by Donna IVEY of the Premier's Office. Cst. SMYTH looked at the tweet which said something like "two prick dead MHA's." He felt the threats were ambiguous but given this person's online history, and his grievances toward Worker's Compensation and Government, he decided to investigate further by way of an "intelligence file" to conduct a Threat Assessment.

On Saturday, April 4, 2015 Cst. SMYTH was able to identify the individual as Donald DUNPHY. He had no previous dealings with this individual and reviewed some of his existing tweets

(there were in excess of 27,000). While there was aggressive language, the only one that was concerning was the one he had been advised of the day before by Ms. IVEY. He completed checks on databases such as Motor Registration Division (MRD)⁴ and Integrated Constabulary Automated Network (ICAN).⁵ MRD revealed numerous Don DUNPHY's throughout the province; ICAN had nothing on record. Cst. SMYTH was able to ultimately locate his address through Tom MAHONEY of Worker's Compensation.

On April 5, 2015 Cst. SMYTH completed a full indices check through Canadian Police Information Centre (CPIC)⁶ and Canadian Firearms Registry Office (CFRO)⁷ databases and discovered nothing of concern. He then contacted RCMP member Cst. Adrian COX of Holyrood Detachment to advise him he would be in the area and attending DUNPHY's home. He also asked Cst. COX to query Donald DUNPHY on the Police Reporting and Occurrence System (PROS)⁸. The PROS query showed little that concerned him. There was an uttering threats complaint from several years ago involving a family member in which the charges were withdrawn. There were no firearms complaints, or other indicators of firearms or violence. Cst. COX offered to attend with Cst. SMYTH, but he felt that, given his low risk assessment, a uniformed member would likely hinder his ability to build rapport with DUNPHY.

Cst. SMYTH located the residence of Donald DUNPHY and noted that the house was derelict. Cst. SMYTH also noted a sign on the house, which spoke about the house being in a state of poverty because of Worker's Compensation and warned that no political figures were welcomed. He noted numerous cats and he felt empathy towards DUNPHY because of the conditions in which he was living. He knocked on the window but there was no sign of anyone being home.

Cst. SMYTH then went to the house next door to gather intelligence about DUNPHY, what DUNPHY had been up to, and whether they have had ongoing issues with him. The female occupant identified herself as DUNPHY's sister-in-law, Debbie DUNPHY, and described a lengthy

⁴ Motor Registration Division (MRD) is a computerized database maintained by the Government of Newfoundland and Labrador. This repository records information such as drivers' licence information - names, addresses, birth dates, descriptions, driving records and motor vehicle registrations.

⁵ The Integrated Constabulary Automated Network, (ICAN) is a computerized database repository maintained by the Royal Newfoundland Constabulary in St. John's, Newfoundland and Labrador. This repository records information that is collected through the normal course of an investigation including names, addresses, vehicles, birth dates and the nature of the investigation by the investigating department or agency.

⁶ Canadian Police Information Centre (CPIC) CPIC is a computerized database repository maintained by the RCMP in Ottawa, Ontario. This repository records information such as missing and wanted persons, stolen property, as well as criminal records of individuals.

⁷ The Canadian Firearms Registry Online (CFRO) is a database maintained by the RCMP which houses information regarding the registration of all restricted and prohibited firearms in Canada.

⁸ Police Reporting and Occurrence System (PROS) is a computerized data repository of all police occurrences and complaints made to the RCMP.

history she'd had with him over property disputes. She described him as being a recluse, antagonistic, having a grudge against the world, no friends and no family. She also mentioned that DUNPHY had been charged with threatening her but that it turned into a Peace Bond and he never really abided by it. He asked her if she was fearful of him hurting her and she replied "No he just makes me uneasy. I don't like being outside when he's outside." He specifically asked both the female and DUNPHY's brother Richard (Dick) about firearms, and other weapons. They responded that DUNPHY didn't have any firearms and that he wasn't a hunter.

As he backed out of the neighbour's driveway, Cst. SMYTH decided to make another visit to DUNPHY's residence and noted that there was now a vehicle parked in the driveway. Cst. SMYTH entered the driveway and again assessed the house from the outside. He walked towards the door and knocked on the living room window. He noted that there were a lot of cats and garbage inside but he couldn't see an occupant. DUNPHY came to the door. Cst. SMYTH identified himself by name and stated that he was a police officer with the RNC, showing him his badge and identification. Cst. SMYTH was still standing on the front lawn grass at that time. DUNPHY also identified himself. Cst. SMYTH asked if he might come inside to speak to him. He said "Ya, no problem" and was cordial. DUNPHY asked why the RNC was out there, meaning Mitchell's Brook, given this was RCMP territory. Cst. SMYTH told DUNPHY he was there to discuss some comments he'd made and engaged him in some rapport building by talking a little about an injury he had sustained when he was struck by a dump truck.

DUNPHY entered the living room and sat in the chair in which he was later found deceased. DUNPHY was adamant that Cst. SMYTH sit down as well, asking him several times. Cst. SMYTH declined to sit down, not because of any tactical decision, but simply because the house was so dirty he didn't want to sit on the furniture. DUNPHY asked him where he was from and the conversation was cordial with DUNPHY. Cst. SMYTH was reviewing his paper file and engaging him in conversation. Then DUNPHY's tone changes and he asked "So what are you here for?" Cst. SMYTH responded "Some things that were said on Twitter" and read the tweet in question to DUNPHY. DUNPHY said he could say whatever he liked on the Internet, laughed it off and said something to the effect of "Fuckin MHA's," "Dead MHA's died before and MHA's will die again." Cst. SMYTH asked DUNPHY to explain what he meant by this. DUNPHY became more agitated asking "Who sent you here?... Who sent you here anyway?" Cst. SMYTH told him no one had sent him and that he simply wanted to talk about the comments. Again DUNPHY said "MHA's die, MAYNARD died." DUNPHY then asked again "Who sent you here anyway, you're just an arm of the government, a fuckin puppet." Cst. SMYTH told him that he was not there to arrest him and that he should calm down. DUNPHY was 'squirming around' in his chair. He became more agitated when Cst. SMYTH looked around the house because of the condition / filth of the home. DUNPHY was upset and kept asking "What are you looking for, what are you looking for?" Despite his agitation Cst. SMYTH still didn't feel particularly alarmed as he felt if

DUNPHY tried anything physical he would easily be able to deal with him. Cst. SMYTH did note a bat, or a piece of wood, to the left of DUNPHY's chair and asked him about it. DUNPHY said it was for protection. Cst. SMYTH said "Ok as long as it stays where it is" He noted at this point DUNPHY's mouth began to froth and this concerned him somewhat because he recognized it as a threat cue. He still was not concerned because of DUNPHY's size. DUNPHY kept ranting and laughing about things indiscernible and saying "Arm of the government" and "What are you looking at?" Cst. SMYTH stated he was looking around primarily because DUNPHY's behaviour made him question whether there might be someone else in the house.

At one point Cst. SMYTH noted some garbage on the floor and when he kicked it, he saw bugs running around. He noted to DUNPHY that there were a lot of bugs down there. DUNPHY replied "Ya, that's because of the state you put me in, the government's put me in. They don't care for injured workers." Cst. SMYTH said "I've got real concerns here," referencing the state of the house. Cst. SMYTH believes that DUNPHY may have mistakenly believed that Cst. SMYTH had a problem with him when in fact he meant that he had concerns for him living in squalor. DUNPHY then returned to saying "Dead MHA's, you're an arm of the government, you fuckin puppet."

Cst. SMYTH was leaning against a mantle opposite DUNPHY in the room. He began to write in his notes as a way of calming DUNPHY and demonstrate that he was no longer looking around the house. It was an attempt to de-escalate the situation. In his peripheral vision, Cst. SMYTH saw the barrel of a rifle which came from the right side of DUNPHY's chair. Although Cst. SMYTH couldn't see exactly where the gun came from, he knew it came from the right. He noted a small barrel and a bolt. Cst. SMYTH states that from this point everything evolved quickly and instinctively, estimating less than a second elapsing from the time he spotted the rifle to the last shot fired. Cst. SMYTH noted that the scenario didn't resemble any training he received in Protective Policing simply because of the timing. After he saw the rifle he dropped the papers he was holding, held his left hand up and drew his pistol with his right hand. He recalled moving towards the door while the barrel of DUNPHY's rifle followed him. He yelled "no, no, no, no, no, no" and fired two shots toward DUNPHY's center mass. DUNPHY was still moving and the weapon was still in his hands. As he continued to move toward the door, and the rifle continued to be pointed at him, he fired again toward DUNPHY's head. He was unsure if the first shot towards DUNPHY's head connected, but when he fired the last shot he saw it impact the side of DUNPHY's head as he (Cst. SMYTH) was going through the entry way. During the shooting Cst. SMYTH feels he never raised the firearm to his eye level. His body was low as he moved and he shot from the waist area. As Cst. SMYTH was shooting DUNPHY was not standing but moving in the chair following Cst. SMYTH with the gun. Cst. SMYTH does not remember DUNPHY saying anything. He estimates that from the time he entered the house to the time he fired his final shot was about 15 minutes, but isn't certain.

Because Cst. SMYTH thought the threat might still be present he edged his way back into the room (called 'cutting the pie') and was concerned that DUNPHY might still have the gun aimed at him. As he looked again he realized that the gun was now on the floor and DUNPHY's head was upright. He looked deceased. Cst. SMYTH checked for breathing and noted none but is not sure if he checked for a pulse. He wasn't sure if DUNPHY's gun went off or not. He was very amped up and then went into a protective mode, and considered performing a tactical ammunition reload. He felt that he had fired four times which would leave him with eight rounds of ammunition. He was concerned that DUNPHY's family heard the shots and would come over, possibly posing an additional threat toward him. He attempted to find cover in the entryway and looked to see if there was anyone else in the house.

Cst. SMYTH called RCMP Telecoms and relayed that there were shots fired and that he needed paramedics and police to attend. He then called his RNC Communications Center as well and told them to notify the Duty NCO. He stayed in the house entryway for some time. He paced between DUNPHY and the door and was now confident that DUNPHY was dead. He tried to clear the house by yelling out verbal commands. He went into the kitchen and noted several marihuana plants growing and he took down a piece of plywood in the kitchen which was obstructing a window. Cst. SMYTH doesn't believe he touched the firearm, although he notes that he should have made the firearm safe but didn't think of that at the time.

Cst. SMYTH feels he may have been in the house approximately 15 minutes after the shots were fired before he went out to his vehicle. He turned on the emergency lights so that responding police would more easily locate him. He believes that DUNPHY's brother and sister-in-law may have driven by at this time, but he is not certain. He recalls his mouth became dry so he got a bottle of water from his vehicle. He believes it was approximately 30 minutes from the time he called the RCMP for assistance to the time Cst. COX arrived. He states that Telecoms called at one point to inquire if an air ambulance was required. He responded that he didn't believe there was any chance of him being alive.

When Cst. COX arrived at the scene Cst. SMYTH gave him an account of what had occurred, and advised there was a firearm on the floor. He told him he didn't do a thorough, proper, house clearing.

Cst. SMYTH said he turned over his firearm and pepper spray to a police officer named "Trevor" (Cpl. Trevor O'KEEFE) and returned to Holyrood RCMP Detachment with another police officer after getting checked over by the paramedics. He was questioned about DUNPHY's head position during and after the shooting but he couldn't be sure. He said his head was more or less upright after the shooting.

At the time of the incident Cst. SMYTH had his firearm, pepper spray and handcuffs. He was not wearing his soft body armour.

Cst. SMYTH stated that DUNPHY asked what the RNC was up to down there (in Mitchell's Brook). Cst. SMYTH didn't have any way of knowing if DUNPHY could have been tipped off prior to his arrival but DUNPHY reacted as would be expected if someone showed up at anyone's door.

Cst. SMYTH provided a diagram of his relative position and that of DUNPHY in the living room. The drawing also shows approximately from where he believes each round was fired. Drawing by Cst. SMYTH (204.PDF) First Statement of Cst. SMYTH (a0128.wav) (206.PDF) Re-enactment by Cst. SMYTH (a0027.mp3) (28.FLV) (443.PDF)

First Responders

Cst. Kelly DOWNEY – RCMP First Responder

Cst. DOWNEY of Holyrood Detachment arrived on scene. Cst. COX was parked on the side of the road and Cst. SMYTH was in the driveway of the residence on his cell phone. Cst. SMYTH was dressed in civilian clothing (jeans and black jacket). There were two vehicles parked in the driveway, a black Yukon and a black Jeep which was parked closer to the house. Cst. SMYTH then came down to the police vehicle and Cst. DOWNEY asked him if he was okay. He confirmed he was but he was visibly shaken. He did not speak much.

Cst. Downey and Cst. Cox then secured the scene with yellow police tape.

Cst. DOWNEY spoke with Billy CORCORAN (Meghan DUNPHY's partner) and he stated that the three of them (Meghan, Billy and Donald) had just gotten back from dinner at the Woodstock Restaurant in Paradise. CORCORAN told DUNPHY to take his Jeep down to his house as he was having mechanical problems with his own vehicle. CORCORAN stated that someone called Meghan and told her about her dad and they came down right away. Supplementary Report of Cst. DOWNEY (17.PDF)

Cst. Adrian COX – RCMP First Responder

Cst. COX of Holyrood Detachment was the first RCMP member to arrive and noted that Cst. SMYTH was standing in the driveway of the residence next to the black Yukon that he had previously told Cst. COX that he was driving. Cst. COX noted that Cst. SMYTH was dressed in plain clothes. When Cst. COX approached Cst. SMYTH he pulled the right bottom of his leather jacket to the side and showed Cst. COX his RNC badge that was attached to his belt. Cst. COX

asked Cst. SMYTH if he was injured and he stated that he was not, however DUNPHY was deceased inside the residence. Cst. COX approached the front of the residence and looked through the living room window. Cst. COX observed a male sitting in a recliner style chair on the left hand side of the living room. The male was identified as Donald DUNPHY by Cst. SMYTH. DUNPHY had one visible wound to the right front part of his forehead that Cst. COX could see from the window. Cst. COX could also see the barrel of what appeared to be a rifle pointing down and back toward DUNPHY's left leg as he sat in the chair. All that was visible was the end of the barrel of the rifle and it appeared to be dark in colour.

Cst. COX and Cpl. O'KEEFE entered the residence for the purpose of clearing it of further persons. Cst. COX noted that the living room where DUNPHY was located was on the right hand side of the front hallway. Cst. COX cleared the residence and noted an active marihuana grow inside one room, then proceeded into the kitchen and found a second marihuana grow in a little room off the rear right of the kitchen. No other persons were located inside the residence. DUNPHY was noted sitting with his back flat against the chair back and head resting on the chair back as well. Cst. COX observed what appeared to be a bullet entry point on DUNPHY's left temple area that had a small trickle of blood coming from it and running down the left side of his face. There was also a quantity of blood visible from inside DUNPHY's left ear also running down the left side of his face slightly. Cst. COX noted that to the left of DUNPHY's chair there was a blue coloured Rubbermaid tub on the floor and the rifle was half resting on the side of it and the barrel was pointing down toward the floor to the left of DUNPHY's chair. The rifle was constructed of a brown and what appeared to be wooden stock with a brown barrel. Cst. COX took note that the rifle was a bolt action rifle and it appeared that the bolt on the rifle was open as it rested on the Rubbermaid tub and floor. No members moved or touched the rifle. The rifle was undisturbed and left in the exact position that it was found. Supplementary Report of Cst. COX (23.PDF)

Cpl. Trevor O'KEEFE – RCMP First Responder / Supervisor

Cpl. O'KEEFE from Holyrood Detachment arrived at DUNPHY's house and introduced himself to Cst. SMYTH in the driveway. Cst. SMYTH appeared shaken by the experience. He stated that he was speaking to DUNPHY, DUNPHY became agitated, pointed a gun at him and this forced him to pull his sidearm and shoot DUNPHY as he (Cst. SMYTH) was retreating from the situation. He stated that you could see DUNPHY from the living room window. Cst. SMYTH was not physically injured. Cpl. O'KEEFE seized Cst. SMYTH's sidearm and magazines. The sidearm was unloaded and cleared with Cpl. O'KEEFE present. Same was secured in Cst. SMYTH's grey lockbox. Keys for the lock were also seized.

Cpl. O'KEEFE and Cst. COX looked through the window of the residence. A male, who appeared deceased, was seated in a chair to the left. Both members entered the home through the front

door and went through to ensure no one else was inside. The male was in the living room sitting in a chair in the corner. He had what appeared to be two gunshot wounds to his head, one to the forehead and another to the left temple. Some blood was in his left ear. A long gun was on the floor at his feet. In the first bedroom, to the left of the hall, was a large marijuana plant with lighting. In the rear of the home, in the porch off the kitchen, were a number of smaller plants. The home was extremely untidy, unkempt and in a state of disrepair. The same could be said of the property outside. There were numerous cats in the home and on the surrounding property. The house smelled of cat urine and cat feces was noted throughout the property. There was no other person(s) located in the home. Supplementary Report of Cpl. O'KEEFE (62.PDF)

Nancy LINEHAN - Ambulance Paramedic

LINEHAN works as a Paramedic for Don Gibbons Ambulance Service and has done so for seven years. On April 5, 2015 she received the call at 2:31 pm; dispatch advised that a male was shot. En-route they were advised the male was deceased. It took about 35 minutes to get to the scene from St. Mary's, NL. When they arrived there were several RCMP police cars there, as well as a black SUV in the driveway of the residence, in behind the police scene tape. RCMP members on scene allowed them to enter the residence after waiting for a short time. Once inside, she recalled the victim sitting in a chair in the living room and he was facing perpendicular to the front window. She observed an obvious gunshot wound to the forehead and, at first, when she saw the firearm, she thought that the victim had done this to himself. She also noted blood trickling from the side of the head. The firearm was on the floor to the left of the victim. She described how the victim's arms were positioned, the left hand was lower, similar to a hand position one would assume to hold a long barrel gun. The gun had a brown stalk and was a bolt action. She completed a standard four-step process that is used in cases of obvious death (checked the carotid artery, pupils, breathing and heart) but stated she did not move the body. Mr. DUNPHY was deceased, and this was obvious to her. She recalled the house was not clean and that there was cat food all over the floor and there were many cats outside but none inside with them. LINEHAN said that the members ensured with her that she not touch anything in the house and she assessed him DUNPHY from the side of the chair. She was only in the residence for five minutes at the most. After she was finished inside the residence her, Kevin BISHOP and the two RCMP officers all left the residence at the same time. She saw the RNC officer in plain clothes and knew his name was Joe SMYTH. She asked him if he wanted to be checked out. He did go to the ambulance and have his vitals checked by her. His blood pressure was high and she suggested that he sit in his vehicle and try to calm down the best that he could. Cst. SMYTH did this and she later checked his vitals again before leaving. She could not recall anything else specific from the scene. The victim was wearing pajama pants and a t-shirt. The RNC plain clothes officer was wearing brown pants, a leather

jacket and had a holster on his side but she did not know if his gun was in the holster. She said the officer was "dressed up." She estimated that she was at the scene for 1 - 1 1/2 hours. They arrived around 3:05 pm and left between 4:00 and 4:30 pm. Statement of Nancy LINEHAN (a0007.mp3) (182.PDF)

Kevin BISHOP - Ambulance Paramedic

BISHOP works with Don Gibbons Ambulance Service and has done so for two years. On April 5, 2015 they received the call at approximately 2:30 pm. Dispatch advised that they had a possible gunshot victim and en-route they were advised the male was deceased. They continued to the scene as though it was still an emergency. When they arrived there were several RCMP police cars and RCMP members on scene allowed them to enter the residence after waiting for a short time. He recalled the house was not clean and that there was cat food all over the floor and there were many cats outside but none inside with them. Once inside he recalled the victim sitting in a chair in the living room. He observed an obvious gunshot wound to the forehead. The firearm was on the floor to the left of the victim. It was up off the floor a few inches resting on the victim or the chair itself, the barrel towards the victim. The gun looked old. He did not know what type of gun it was. Nancy LINEHAN completed her checks and determined the victim was deceased. He did not touch the body in any manner, nor anything inside the residence. They were only in the residence for five minutes at most.

The RNC plain clothes officer was wearing a leather jacket and had a holster on his side and he believed the gun was in the holster. He also wore a badge on his hip and had no visible bulletproof vest on. The only injury he recalled was that to the victim's forehead. Megan DUNPHY came to the scene while they were there. Statement of Kevin BISHOP (a0006.mp3) (183.PDF)

Sudden Death Investigation – RCMP Major Crimes Unit

Mandate

To investigate the shooting death of Donald DUNPHY and determine if the actions of the RNC member involved were criminal in nature.

Investigational Scope

The shooting death of Donald DUNPHY occurred in the community of Mitchell's Brook, NL, an area that falls under the jurisdiction of the RCMP. All reportable deaths (shooting deaths) will be investigated to rule out any suspicion of foul play. The RCMP has the authority to

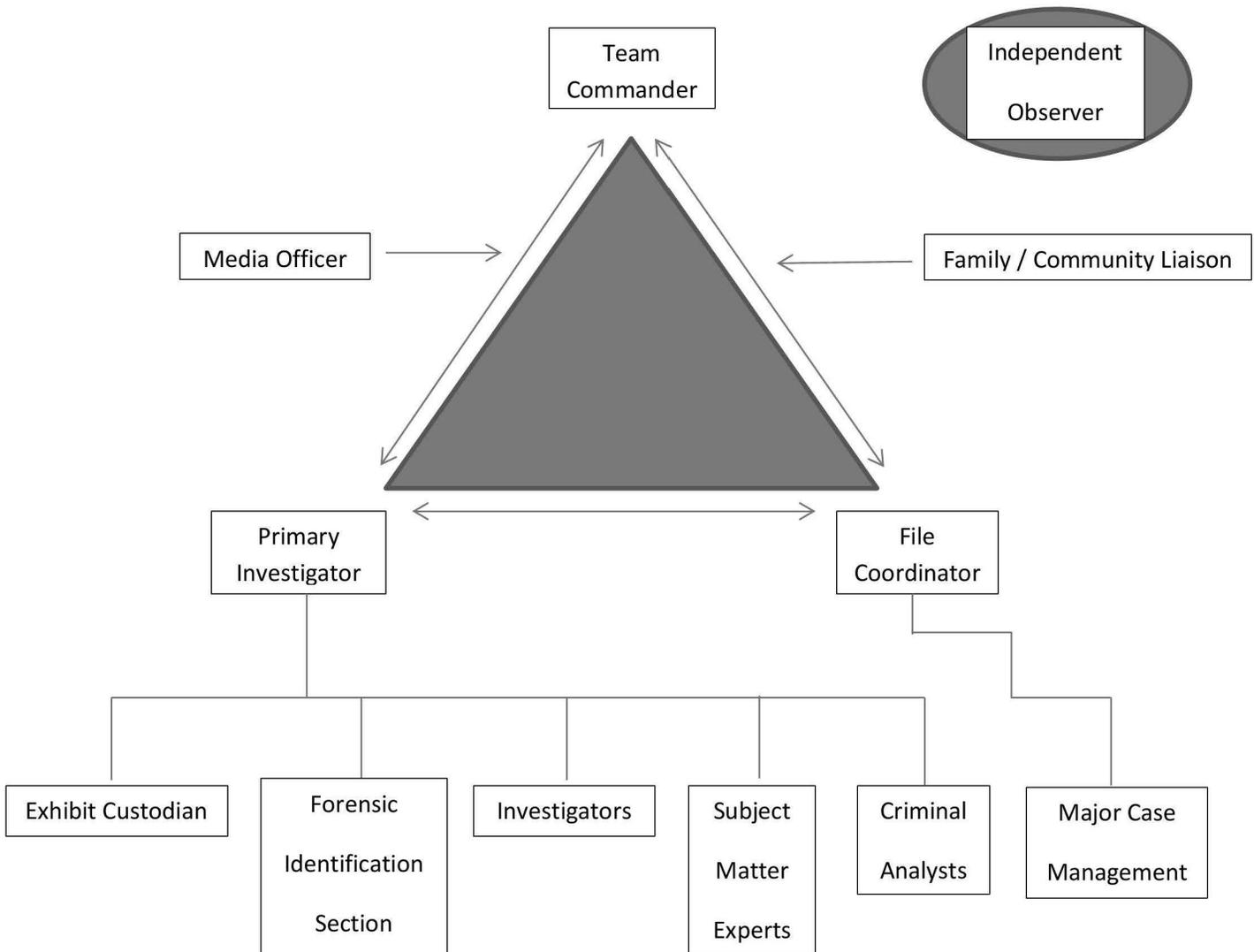
investigate sudden deaths as mandated by the Provincial Fatalities Investigation Act and the Criminal Code.

Major Crimes Unit Assistance

Members of the RCMP Major Crimes Unit (MCU) from St John’s were assigned to lead the investigation, with independent oversight being conducted by Justice David RICHE (Ret). MCU established a structured investigation which follows the principles of Major Case Management.

A Major Case Management Command Triangle was established, and was structured as follows:

Major Case Management Command Triangle



Team Commander - Sgt. Kent OSMOND / Sgt. Sue EFFORD, NCO i/c Major Crimes Unit East

Primary Investigator / Family Liaison - Cpl. Steven BURKE, 2 i/c Major Crimes Unit East

File Coordinator - Cpl. Dion FOOTE, NCO i/c Holyrood General Investigation Section

Exhibit Custodian / Family Liaison - Cst. John GALWAY

Family / Community Liaison - S/Sgt. Rod TILLER

Media Officer - Sgt. Greg HICKS

Forensic Identification Section - Sgt. Chris SAUNDERS / Cpl. Kelly LEE

Investigators - Cpl. Monty HENSTRIDGE, Cst. Michael NIPPARD

Subject Matter Experts - Cpl. Wayne KNAPMAN (Use of Force), Darryl BARR (Ballistics)

Criminal Analyst - Wanda RICHARDS

Major Case Management - Cpl. Jill LUNNEN

Independent Observer - Retired Justice David RICHE

Neighbourhood Inquires

Rochelle NOLAN - [REDACTED] Mitchell's Brook, NL

NOLAN [REDACTED] Donald DUNPHY was her neighbour. She described DUNPHY as a loner who keeps to himself. She warned her kids to stay away from him and felt he had a propensity for violence. She said that DUNPHY was a frequent user of "Open Line," a radio show that allowed callers to discuss current issues specifically surrounding provincial government. He had issues with Worker's Compensation and the amount of compensation he received in order to live.

On the day of the shooting Nolan said that a black Sport Utility Vehicle (SUV) was parked on the road in front on her home. The vehicle was a new, black SUV, with one male occupant (her son said it was an "Undercover cop"). The vehicle was parked there for five to seven minutes, around 1:20 - 1:30 pm. The vehicle was parked facing Donald DUNPHY'S residence. The driver did not get out of the vehicle while there. NOLAN added that the time between the black SUV being in front of her residence and police cars arriving at the scene was approximately 1½ hours.

Nolan did not hear any gunshots. She had family over for Easter dinner and there were grandchildren running around, the TV was on, it was windy outside and given all this they never heard anything alarming. Statement of Rochelle NOLAN (a0002.mp3) (36.PDF)

Tom HEARN – [REDACTED], Mitchell's Brook, NL

HEARN knew Donald DUNPHY and spoke to him probably every two to three weeks. He advised he had 18 members of his family over to his house for Easter dinner and that no one there heard any gunshots. He did not know if DUNPHY had a gun and he never mentioned owning one to him.

Hearn knew about DUNPHY'S accident and his ensuing issues with Worker's Compensation. He was always a caller to the "Open Line" radio show. He added that Donald DUNPHY did not seem like a violent person.

(Neighbours on both sides of the DUNPHY residence were spoken with and no one heard any gunshots from this incident. Cst. NIPPARD concluded that this was likely due to a number of factors including many families getting together for Easter dinner, it was windy and the shots were fired inside the home and the residences are a fair distance from one another. Statement of Tom HEARN (a0024.mp3) (35.PDF)

Forensic Identification Section Examination

Sgt. Chris SAUNDERS and Cpl. Kelly LEE of RCMP Forensic Identification Section processed the shooting scene (DUNPHY's house) by photography, video recording, measuring, seizing and testing of exhibits, creation of a planned drawing and limited trajectory assessment. They also attended the Office of the Chief Medical Examiner to document the autopsy of DUNPHY.

At the scene, four .40 calibre spent ammunition casings were recovered, as well as 2 lead spent bullets which also appeared to be consistent with 40 calibre ammunition. Both Sgt. SAUNDERS and Cpl. LEE identified areas of interest and exhibits as follows:

- .22 calibre Ranger rifle with live round in chamber at feet of deceased;
- .22 calibre live round of ammunition on table in front of deceased;
- Long narrow void area in garbage on floor to right of deceased;
- iPhone on coffee table in front of couch;

- One spent .40 calibre S&W bullet shell next to table leg in NW corner;
- One spent .40 calibre S&W bullet shell next to left rear leg of chair in NW corner;
- One spent .40 calibre S&W bullet shell under chair in NW corner;
- One spent .40 calibre S&W bullet shell under chair in NW corner;
- One spent .40 calibre (consistent with) lead fired bullet on sill plate in wall behind doorway in porch;
- One spent .40 calibre (consistent with) lead fired bullet behind white batting under the exterior fabric of the chair that the deceased was found seated in;
- Long wooden stick on floor to the left of deceased with duct tape on one end;
- Yellow file folder with papers inside containing printouts of Twitter messages on the coffee table.

Sgt. SAUNDERS' reports and photos show the scene as encountered by the responding RCMP members. Sgt. SAUNDERS observed that the DUNPHY residence appeared to be in a state of disrepair and there was garbage around the exterior of the residence. The interior of the residence was quite dirty and there was an overpowering odour consistent with cat urine throughout the residence and outside. The floors and counters were littered with beverage containers, pet food, papers, boxes, clothing, feces, vomit and other general household items and garbage. There was a large amount of hair on many surfaces consistent with cat hair.

The deceased was located in a slouched sitting position in the rocker / recliner type chair to the immediate right when entering the living room. His obvious injuries were to his head at the left temple, right forehead and right ear. There was also liquid blood in his left ear and a small hole in his shirt with blood around it at his left armpit. The blood flow from the hole in his temple was not flowing straight down with gravity as is expected but it was flowing on an angle towards the back. This appeared inconsistent with the present position of the deceased.⁹

There was a .22 calibre single shot long gun on the floor in front and to the left of the deceased with the barrel resting on the floor between his feet. The stock was pointed away from him

⁹ Cpl. BURKE reviewed all statements / notes of those who entered the DUNPHY residence before FIS arrived and there is no evidence that the body was moved.

and leaning on a blue plastic tote box. The bolt action was open and there was one live .22 calibre round in the chamber.

There was minimal blood staining in the residence. There were small red spots on the walls in the area of the deceased which were barely visible but no distinct pattern was observed. Sgt. SAUNDERS spoke with Sgt. Adrian BUTLER, a Bloodstain Pattern Analyst with National Forensic Identification Support Services, and he advised that he could not add anything to the investigation given the minimal bloodstaining present.

The projectile damage was noted as follows:

- Hole in headrest of the rocker / recliner chair in which the deceased was seated and to his right;
- Hole in wall just above and next to the rocker / recliner chair to deceased's right;
- Hole in wall in front porch behind front door and opposite to hole B;
- Hole in front of wall in front porch directly behind door and near door frame.

Sgt. SAUNDERS was successful in estimating the trajectory of one bullet that was fired. The point of origin was determined to be on the couch wall in the living room at an approximate 10 degree angle towards the wall behind the deceased. Ident Occurrence Reports (181.PDF) (66.PDF)

Firearm Examination

Cpl. LEE examined the rifle seized from the DUNPHY residence under forensic light source; nothing of significance was noted. The rifle was then fumed with cyanoacrylate (CA) and examined under bright light. There was no visible development of any friction ridges. Cpl. LEE then dye-stained the rifle with Ardrex dye and examined it under forensic light source again. No friction ridge (fingerprint or palm print) evidence was developed.

Cpl. LEE provided an opinion why no fingerprints were developed from the rifle.

The rifle as it was recovered at the scene was old and worn. There was no glossy finish on the wooden stock and grip of the rifle and the metal parts had corroded so that they were rusted and pitted. None of the surfaces of the rifle were receptive to the deposition of fingerprints. Cpl. LEE added that unless a finger was contaminated with some substance (such as paint), it would very unlikely for a fingerprint to be deposited on the surfaces.

In addition to the physical condition, the rifle was coated with dust and other grime. The presence of dirt such as this interferes with the ability of a digit to deposit an impression on such a surface. Ident Occurrence Report (1233.PDF)

Forensic Laboratory Analysis

On 2015-09-23 Cst. NIPPARD received the Forensic Science and Identification Services Laboratory Report from Firearms Section.

The report revealed that the .22 calibre rifle was operational and a firearm within the meaning of the Criminal Code, in that it is a barrelled weapon from which a projectile can be discharged and that is capable of causing serious bodily injury or death to a person. The rifle was not serial numbered. During testing, the rifle discharged conventional ammunition designed to attain a velocity exceeding 152.4 m per second and an energy exceeding 5.7 Joules. The cartridge found in the chamber of the rifle was of a design suitable for use in the rifle and that cartridge was discharged in said rifle. The cartridge was ammunition within the meaning of the Criminal Code, in that it is a cartridge containing a projectile designed to be discharged from a firearm.

Cst. SMYTH's .40 calibre pistol was operational and functioned in a semi-automatic manner. During testing the pistol discharged conventional ammunition designed to attain a velocity exceeding 152.4 m per second and an energy exceeding 5.7 Joules. It was concluded that 3 of the 4 expended cases were fired from the pistol (identified by firing pin). The fourth expended cartridge was cycled through the action of the pistol (identified by extraction and ejection). The pistol fired all 4 spent casings found at the DUNPHY scene. The cartridges were of design suitable for use in pistol and a representative sample of those cartridges was discharged in said pistol. The cartridges were functional ammunition.

Clothes worn by DUNPHY showed characteristics consistent with gunshot damage. No firearm discharge residue pattern was observed. Forensic Science and Identification Services Laboratory Report (259.PDF)

Autopsy

Dr. Nash DENIC and Dr. Simon AVIS of the Office of the Chief Medical Examiner performed the autopsy and associated reports on the death of DUNPHY. They have listed the death as a homicide¹⁰, as it is clear that DUNPHY's death was caused by the actions of another person.

Dr. Simon AVIS, Chief Medical Examiner for the Province of Newfoundland and Labrador, states that DUNPHY suffered three bullet wounds, all of which could have been fatal. DUNPHY was struck once in the left side of the body, once in the forehead area and once in the left temple area of the head.

On June 3, 2015 Dr. AVIS released an Autopsy Report for the autopsy of Donald DUNPHY completed on April 7, 2015. Dr. AVIS found that DUNPHY suffered two gunshot wounds to the head and one gunshot to the torso. The cause of death was listed as gunshot wound with manner of death as homicide. Toxicology testing revealed that blood ethanol was negative and drug screening results were non-contributory. An external examination of the body of DUNPHY was unremarkable with no evidence of abrasions, contusions or lacerations noted except for evidence of injury as follows (there were two gunshot wounds to the head and one gunshot wound to the left upper torso):

1. Wound # 1 is a gunshot wound located 4.5 cm from the top of the head, just slightly right of the midline. The direction of the wound is from front to back, left to right;
2. Wound # 2 is a gunshot entrance wound to the left temple area located 8 cm from the top of the head, 4 cm anterior and 5 cm superior to the left external auditory canal. The direction of the wound is from left to right, front to back and down;
3. Wound # 3 is an irregular wound to the right temporal area located 3.5 cm from the top of the head, 9 cm superior to and 2.5 cm anterior to the right external auditory canal. The wound is the configuration of an exit wound;
4. Wound # 4 is a gunshot entrance wound to the left upper chest area located 37.5 cm from the top of the head, 16.5 cm to the left of the midline. A lead bullet is located in the soft tissue of the chest wall adjacent to the scapula. The direction of the wounding is from left to right, front to back and down.

¹⁰ Homicide – A person commits a homicide when, directly or indirectly, by any means, he causes the death of a human being. Homicide is culpable or not culpable. Homicide that is not culpable is not an offence. Section 222, Criminal Code.

Internal examination did not reveal any other injuries (unremarkable) other than the injuries caused by the gunshots. Autopsy Report (452.PDF) Registration of Death (453.PDF)

Background Witnesses - Donald DUNPHY

Meghan DUNPHY – 27 Year Old Daughter of Mr. Donald DUNPHY

On the day of his death she went for lunch with her father, Donald DUNPHY, at the Woodstock Restaurant in Paradise, NL. His mood was very good. She sees her father frequently and speaks to him three to five times a day so they are very close. Meghan stated that her dad has had a rough life. When he was 28 years old he got crushed by a backhoe. They also lost a child, and her mother died when she was three. It was difficult raising a girl with little money. There was a family dispute over land. She said her father spent a lot of time alone and blamed Worker's Compensation for his financial situation. When he was frustrated he expressed his opinions. She described him as being confrontational and 'flighty.' The past few days and weeks, have been some of the best time he's been, and he was looking forward to turning 60. He had purchased items to improve his home. He also had lots of food and was planning / looking forward to the future so she doesn't feel he was suicidal. First Statement of Meghan DUNPHY (a0004.mp3) (172.PDF)

She was last at his house on the Thursday or Friday preceding his death. She originally stated she was unaware of him having any firearms in the house, but later described his rifle being behind the couch in the living room. She also recalled seeing an old stick which he had to protect against anyone that might try to rob him. She said that her dad complains about Worker's Compensation a lot. He is on Twitter a lot to talk to politicians to help him with his Worker's Compensation issues. She is unsure of exactly what the issue was. She described him as a rambler who would get something on his mind and he would talk on and on about it. She noted that the "cop" told her that he was shot in the living room and that there was a rifle in the living room. She was also told by the same cop that her father was lying on the floor of the living room with the gun beside him. The only way that her father would threaten him is if he didn't know he was a cop. She was adamant that if the RNC officer says that he identified himself then he's lying because her father wouldn't want to risk himself with a cop. He was not suicidal and not depressed. He didn't take any other drugs other than some painkillers and marihuana. He didn't drink. She believes that the RNC member went into the house and didn't identify himself as a police officer.

Bill CORCORAN, Meghan's partner, who was also present during the statement, said feels Mr. DUNPHY was planning / looking forward to the future due to having bought various supplies to

repair his home and other activities he was looking forward to. He would therefore not be suicidal. Second Statement of Meghan DUNPHY (a0018.mp3) (421.PDF)

Richard "Dick" DUNPHY – Brother of Donald DUNPHY

Donald DUNPHY is his younger brother, who lives next door to him. Donald has not had much contact with his brothers since the death of their father some 12 years ago. Sometime around 1:00 pm on the date of the event, he came into the house and there was a police officer in the house talking to his wife. The officer wanted to talk to Donald over some threatening letters to the government. The officer asked if there was any guns in the house and he told him he didn't think so because he didn't hunt or anything. After the officer left he remembered that when his father died he took possession of two shotguns and a third gun, which was a .22 rifle bolt action with a wooden stalk (possibly a light coloured brown). The .22 was left in Donald's house although he is unsure if the gun is still there now. He had not seen the .22 in 12 years. He and Donald had a falling out, which had to do with ownership of some land across the road.

Donald is currently on Worker's Compensation. He previously worked with the Department of Highways but hasn't had a job for several years. He also worked in Bull Arm. He sees a doctor and these visits are in an effort to get Worker's Compensation. Donald would go on "Open Line" talking about his family. He doesn't believe Donald had any issues with the police. He has no idea what might have happened. He hadn't had any contact with Donald for approximately 10 years. He doesn't believe Donald was ever treated for mental illness. He was injured in an industrial accident about 20 years ago. His wife died about 25 years ago. Donald is not close to any of his family. His family couldn't trust him because they didn't know what he might have "over there". When asked to explain, he said that his brother was difficult to deal with and he would froth at the mouth. Donald has threatened his wife. He is unsure of the relationship between Donald and his daughter. They don't maintain contact with Donald's daughter either. He feels his brother always felt somebody owed him something. He said one of his Donald's friends is Collin DINN. Collin DINN may have phoned Donald around 2:00 pm. When asked if he was surprised when this happened, he said that he wasn't surprised because they were "nervous" there with him living next door. Statement of Richard DUNPHY (a0003.mp3) (64.PDF)

Debbie DUNPHY – Sister-in-Law of Donald DUNPHY

She is the wife of Richard DUNPHY. On April 5, 2015 a police officer knocked on her door. He identified himself and asked where her next door neighbour was. She told him that he might be at his daughter's. She asked the officer what was wrong and he told her that he was investigating letters of threat against the government. She told him where Donald's daughter lived and that he might be there for dinner. They talked about Donald and she stated they

didn't get along and there was no communication over the past years because of things that had happened.

On one occasion she had a peace bond against Donald because he had come on her property and put "something" on her trees. He also threatened her on one occasion that he would "beat the head off." This was in relation to an incident where she suggested to Donald's daughter that he should get mental help. He also erected a stick on her property with a rubber glove perched on top with the middle finger sticking up. On another occasion she believes he may have been near her window at night. Because of this, she never felt very secure with Donald living next door. A part of the issue arose out of a controversy over the land which is in front of their house. Don would put his car wrecks on the land which was an eyesore. This was a sore point for her. She recalls a long time ago, when they were on good terms, Donald had her type up a letter on the computer. She couldn't recall to whom it was directed but there was threatening language so she deleted it and told him it was not appropriate. She said she never felt safe there and would close her curtains and lock her door if she was there alone.

She told the officer that she didn't know if he had a gun or not. She knew that he was eventually going to "lose it" because he has such a short fuse. She felt there might be a confrontation but didn't think there would be violence. She believes that the officer was at her place sometime around 2:00 pm.

She said she didn't hear anything after the officer left because she had her clothes dryer on and it was squeaking. She later heard about what happened from her daughter.

She indicated that she felt bad for the officer because she assumes that he shot Donald and even if it was in self defense she would feel bad if that happened to her. She noted that she doesn't feel sadness for Donald but for his daughter, Meghan. She said his only friend was Collin DINN and she is unaware of anyone else going there. Statement of Debbie DUNPHY (a0005.mp3) (177.PDF)

Colin DINN – Friend of Donald DUNPHY

DINN had been in his shed on the day of the incident putting together some tools. He was told that police cars and ambulances were going through town and that it had something to do with a shooting. He is unsure of who called his house with this information.

Donald DUNPHY texted DINN at about 1:45 pm [REDACTED]

[REDACTED] DINN said he's been friends with DUNPHY for 25 years. [REDACTED], they had both been injured at

work and were on Worker's Compensation. He said DUNPHY has numerous medical problems and is often in severe pain. DUNPHY often spoke to him about being screwed over by Worker's Compensation. DINN tried to explain that when DUNPHY spoke he sounded logical but his overall comments often didn't make sense as it always came back to Worker's Compensation and this often didn't make sense to DINN. When asked if DUNPHY was violent, DINN said he wasn't really violent but very angry. He said he was very gentle with his cats. When asked if he was ever paranoid, DINN stated that he recalled an incident in January or February when he visited DUNPHY who had just 'tweeted' something. DINN is unsure of what the tweet said but believed it was directed to some government agency, probably Worker's Compensation. In discussing the tweet, DUNPHY said "I wouldn't be surprised if they come for me some day...Let 'em come." DINN never questioned him on this and tried to change the subject. DINN has never seen a firearm in DUNPHY's house and was shocked to learn that there was one there. DINN stated that in terms of his mental stability, DUNPHY was worse two years ago when his pain was very bad. His mental health seemed to be connected to his physical health. In recent months he seemed to be doing better. Statement of Colin DINN (a0009.mp3) (200.PDF)

Bart DUNPHY – Brother of Donald DUNPHY

DUNPHY hasn't spoken to or seen his brother Donald in 13 years, basically since their father died. He lived with Donald only until Donald was about seven years old as Bart is 10 years older, therefore they were never really close. Donald had a falling out with his family when their father died, mainly over who took possession of the home, land and earthly possessions. Dick and Debbie DUNPHY had more of an issue with this than the others because originally it was their son who was going to be named as the inheritor. Louise BENNETT was the wife of Donald DUNPHY. She died when her daughter Megan was only three years old. To his knowledge Donald never remarried, nor had another spouse. Donald got hurt bad while working with Cadillac Construction. In the 1980's he was working on a fuelling truck when another man on a tractor squatted Donald, crushing his pelvis. Once the aftermath of that accident happened Don worked with the Department of Transportation clearing snow. Bart was aware Donald smoked marijuana and guessed he had done so since he was 16 years old. Bart described Donald as being very hard to deal with. He was loud and complained about issues until he got himself angry. He was not a gun person. When their father died he left three guns; a .22 calibre rifle, a double barrel shotgun, and another unknown make rifle. Dick DUNPHY had two of the guns and Donald had the .22 calibre rifle. Donald always had issues with his sister-in-law Debbie DUNPHY. She taught Donald in school and would tell his mother about his behaviour. Donald did not like this, or her, as a result. Donald was not a drinker of alcohol nor was he a user of chemical drugs. Bart was surprised that Donald had the gun and believed that Dick was supposed to take possession of it. Bart first heard about this incident from his brother Dick. Bart's first thought was that this was a "suicide by cop" situation. Bart

finds this weird after learning that Donald had financial things he was looking forward to in his life and seemed happy lately according to his daughter. Donald was not physically violent for Bart to know of. He was verbally abusive and had an issue with authority. Statement of Bart DUNPHY (a0008.mp3) (197.PFD)

Kevin DUNPHY – Brother of Donald DUNPHY

DUNPHY's brother, Donald went to school and got along with everyone. He graduated and went to trade school after that. Donald always had issues with his brother Dick (Richard) and his wife Debbie DUNPHY. Part of this stems from Debbie having taught Donald in school and she used to tell his mother about his bad behaviour. Donald injured himself in a workplace accident in the 80's. He was crushed by a tractor that had malfunctioned while being used by someone. After this accident Donald was received Worker's Compensation as income. Kevin believed that this is where it all started and Donald's issues stem from this accident and the aftermath. Thirteen years ago Donald inherited his father's home and land. This started another area of contention in the family because Donald sold the land, which the family wanted kept in the DUNPHY name. Among their father's belongings were three guns. There was a .22 calibre rifle, a double barrel shotgun, as well as another rifle. Donald had the .22 calibre gun. Kevin did not believe that this gun could fire anymore as he dropped it many years ago. Kevin was shocked when he heard that Donald had a gun and had pointed it at the officer. Once he heard that, he felt for the officer involved and asked how he was doing. Donald was never a gun person according to Kevin. Donald was never a person who would resort to physical violence or even be threatening. Tom HEARN was a friend of Donald's and has kept Kevin updated as to the condition of Donald's home and living environment. Kevin knew this condition to be very poor and dirty. Kevin indicated that when Donald's wife was alive and Meghan was living with him the home was kept up and he owned just two or three cats. However, ever since Meghan moved out six years ago, Donald became very dirty, the house condition deteriorated significantly and the number of cats increased. This was a gradual thing that happened over the years. Donald smokes marihuana and he didn't know if this had an effect on his mental health or not. Donald was easily angered when he started talking about an issue that bothered him and he would get himself worked up but never violent. Donald was an avid user of Open Line and social media in which to debate issues with government agencies. Kevin doubts that Donald would have known that the firearm didn't work as he never used guns. After Kevin dropped it, the gun would still fire, just not every shot. However, nothing is for certain as this would have been back in the 1970's. Statement of Kevin DUNPHY (a0015.mp3) (319.PDF)

Ken DALEY – Friend of Donald DUNPHY

DALEY was an acquaintance of DUNPHY's since the 1970's, however only really got to know him around the year 2000 when DUNPHY started working with him at the Department of Highways. DUNPHY left again in 2004 regarding a re-occurrence of a workplace injury. DUNPHY then went off on Worker's Compensation. DUNPHY was initially hurt many years ago but came back to work in 2000. DALEY has been to DUNPHY's home approximately four or five times over a three to five year period. He noted there to 40 to 50 cats around the residence.

Worker's Compensation was a big issue for DUNPHY. He described DUNPHY as a complicated person. He never knew him to be violent and did not know that he owned a firearm. DUNPHY's home was much as it is now, in very poor overall condition. He was not sure if DUNPHY wore glasses or not. He described DUNPHY as not a real lover of anyone. He was last inside DUNPHY's residence last fall (2014) and the residence condition was essentially the same as it is now. When asked about DUNPHY's issues with his family, DALEY stated that DUNPHY kept everyone at bay and had a different way of thinking. Statement of Ken DALEY (a0038.mp3) (668.PDF)

Gerald DALTON – Friend of Donald DUNPHY

DALTON first met DUNPHY when they went to school together from 1963 to 1966. Approximately 10 years ago DUNPHY was driving a truck for DALTON's son-in-law. Then, DALTON and DUNPHY used to communicate with each other on a regular basis. That was the last time DALTON spoke to DUNPHY. He last saw DUNPHY in the fall of 2014. He acknowledged DUNPHY in passing, but he did not reply. He employs DUNPHY's brother, Richard (Dick) DUNPHY. He does not believe DUNPHY had any personal vendettas against him but he believed he had caused mischief to his vehicles as a way of retaliation against Richard DUNPHY and his wife Deborah.

Following the interview, DALTON stated DUNPHY was upset at his siblings, especially towards Deborah DUNPHY, as he believed Deborah reported him for having a marijuana grow operation behind his residence. Eventually DUNPHY's siblings had no contact with him.

DALTON added that DUNPHY appeared to him as an individual who suffered from bipolar disorder or schizophrenia and elaborated "he could be nice, then he could be right off the head." DALTON described DUNPHY as a harmless individual who was not involved with firearms. Statement of Gerald DALTON (a0017.mp3) (400.PDF)

Background Witnesses – Cst. Joseph SMYTH

Cst. Eddie BENOIT – Royal Newfoundland Constabulary

Cst. BENOIT has been employed with the RNC since 2006 and has known Cst. SMYTH since that time. He commenced duties with the Premier's Detail in May, 2012 and completed his assignment in February or March, 2014. The unit was reduced from four members to two. There were four members there when he arrived. A few weeks after Cst. SMYTH arrived Cst. Shannon McENTEGART also arrived as the first RCMP officer in the unit. Cst. BENOIT did not experience any situations where he had to use force during his duties and has not seen Cst. SMYTH use force in his duties. While posted to the Premier's Detail home visits were done to speak with persons of interest approximately six times. The main role of the unit was to accompany the Premier to all daily functions and provide security and handle perceived / possible threats coming to their attention via social media, e-mail, word of mouth, etc. These incidents usually proved to be people making harsh comments in the heat of the moment that would be apologetic afterwards. He never laid a criminal charge while in that unit. He was unaware of any policy that required members to attend home visits. It was a case by case issue and would be determined from the situation at hand. He cannot recall hearing Donald DUNPHY's name coming up during his time there. Cst. BENOIT did not believe there were any issues of violence or anger with Cst. SMYTH. Cst. BENOIT was re-assigned to the unit after this incident as Cst. SMYTH was off duty. Since the shooting the RNC has added another member back to the unit, who just started. Cst. BENOIT spoke with Cst. SMYTH after the shooting, first sending him a message of support and then seeing him at the office. In the weeks after the shooting Cst. BENOIT heard bits and pieces of what had happened but no detail. He did not ask any questions, knowing that an investigation was ongoing. Statement of Cst. BENIOT (a0036.mp3) (677.PDF)

Cst. Tammy MADDEN - Royal Newfoundland Constabulary

Cst. MADDEN has been employed with the RNC for 10 years. She was assigned to the Premier's Detail between December, 2010 and January, 2014. Originally, the unit consisted of just her and Cst. SMYTH. It was two years before that two more members were added to the unit. Cst. Eddie BENOIT and Cst. Shannon McENTEGART were the members added; one RNC and one RCMP. Once the new members arrived she and Cst. SMYTH split up their experience and paired up with the new officers. She worked with Cst. BENOIT and Cst. SMYTH worked with Cst. McENTEGART. Their main duties were to follow the Premier wherever they went and provide security detail. During her time, the Premier was Cathy DUNDERDALE. They would investigate comments / threats that came in via media. They would complete background checks on persons of interest who had made comments, or who came to their attention. This was a

means of constantly monitoring the person. They would watch them on social media as well. During her time paired with Cst. SMYTH, she never saw him have to use any force. She has never had to use force herself. Their presence was enough to deter. She did not know of any complaints made against Cst. SMYTH during her time there. She described Cst. SMYTH as calm, level headed and never got angry. He was always conscious of his role and environment. Cst. SMYTH was a thorough member of the unit and was the acting Sergeant in charge. When she left the unit Cst. SMYTH, Cpl. Lindsay ANSTEY and Cst. BENOIT remained. Don DUNPHY never came up during their duties as far as she could recall. She spoke with Cst. SMYTH after the incident, she texted him offering her support and also when on vacation she met up with him in the airport in Florida, USA. Cst. SMYTH told her about the incident. He went into details such as the firearm being presented suddenly when he was looking at his papers, that it was instinctive, and how he was waiting there after thinking the brother may come over. Nothing he said was alarming to her. He did not go into specific detail as their families were close by. She again offered her support. She has known Cst. SMYTH since she joined the RNC and got to know him better when posted together in the unit. Statement of Cst. MADDEN (a0037.mp3) (673.PDF)

Cst. Shannon McENTEGART - Royal Canadian Mounted Police

Cst. McENTEGART worked with Cst. SMYTH in the Premier's Detail between May or June, 2012 and November, 2013. There were three RNC officers in the unit and her as the sole RCMP member. RNC members were Cst. SMYTH, Cst. Tammy MADDEN and Cst. Eddie BENOIT. Premier Cathy DUNDERDALE was the unit's security focus. She and Cst. SMYTH were partners and often worked the same shift. They worked in teams of two and she and Cst. SMYTH were a team for some time, although she was also paired with Cst. MADDEN for a time. Part of the unit's duties were to follow up with threats or comments that were made via e-mail or social media. Background checks would be completed on the subjects and meetings, if required. She is not aware of specific policy to have two members attend house visits or meet with someone in person. She had work related issues with Cst. SMYTH. He was in charge of the unit and they had occasional conflict on work related issues such as scheduling. Their respective personalities clashed and they didn't really get along well. Cst. SMYTH was great with officer safety and always did well. She has not spoken to Cst. SMYTH since this event happened. She was not aware of any complaints made against Cst. SMYTH by any members of the public. She has completed home visits to follow up on threats or comments herself. She never had to use force herself in any situation while on the Premier's Detail. Statement of Cst. McENTEGART (a0039.mp3) (661.PDF)

Cpl. Lindsay ANSTEY - Royal Canadian Mounted Police (Retired)

Cpl. ANSTEY began working with Cst. SMYTH on November 11, 2013 in the Premier's Protective Detail. Cpl. ANSTEY knew Cst. SMYTH previously through Cpl. ANSTEY's role in RCMP Very Important Persons (VIP) work. Cpl. ANSTEY would obtain the assistance of Cst. SMYTH during incidents where high profile political figures and / or royalty would visit the province. When Cpl. ANSTEY first went to the unit there were four members, Cpl. ANSTEY and three RNC officers. When Premier DUNDERDALE left office and Premier MARSHALL arrived their roles changed and the unit was reduced to two members, Cpl. ANSTEY and Cst. SMYTH. Their shifts would sometimes be the same if a particular function required both of them to be working but often they worked opposite of one another. The handling of threats or concerning information that arose would vary. Response could be as simple as a conversation regarding the incident, up to a full investigation and charges being laid. Home visits during an investigation would occur approximately three to four times a year. Typically, when a perceived threat arose, an in-person visit would occur to assess the threat level. They would ask the person what they meant exactly, what their intent was, and try to mitigate the issue if possible and try to avoid a more serious occurrence. Cpl. ANSTEY has never witnessed Cst. SMYTH use force in his duties. He has been at events in which Cst. SMYTH would calm people down who were shouting, etc., but he never witnessed any physical force used. As a co-worker, Cst. SMYTH was good to work with, professional and respected. He ensured he did his due diligence in his daily duties and was well thought of. Cpl. ANSTEY had a conversation with Cst. SMYTH after the shooting. He called him on Tuesday April 7, 2015, touching base with him as a friend. They spoke for 10 to 15 minutes. Cst. SMYTH told Cpl. ANSTEY what had happened but he did not ask any questions of him. Cpl. ANSTEY said that from the story, as he knew it, he could not see himself doing anything different in that situation. It was typical for one police officer to go to a home to make an inquiry. Cpl. ANSTEY said he went on home visits alone to speak with persons of interest while on the Premier's Protective Detail. Statement of Cpl. ANSTEY (a0040.mp3) (1392.PDF)

Cpl. Doug NOEL - Royal Canadian Mounted Police

Cpl. NOEL started with the Premier's Detail in December, 2014 and at that time it was just him and Cst. Joe SMYTH in the unit. He has known Cst. SMYTH for a few years through dealings with VIP visits. During his time there he did not have any situations where he had to use force during his duties and has not seen Cst. SMYTH use force in his duties either. Cpl. NOEL stated that during his time there he completed one home visit to speak with a person of interest in relation to a perceived threat. He added they would also handle perceived possible threats that would come to their attention via social media, e-mail, word of mouth, etc. Threat / risk assessments would be done on the individual making the comment to attempt to determine if the threat was serious in nature. A PPD member would assess the need, if any, to require two

members to attend home visits. This was a case by case issue and would be determined from the situation at hand. Cpl. NOEL could not recall ever hearing Donald DUNPHY's name come up during his time there. Cpl. NOEL and Cst. SMYTH usually worked opposite shifts from one another as there were only two of them. This could be adjusted if they were both needed for a particular function. Cpl. NOEL described Cst. SMYTH as being professional, intelligent and thoughtful in his duties. Cst. SMYTH was not the subject of any complaints from the public that he was aware of. Statement of Cpl. NOEL (a0041.mp3) (652.PDF)

Lisa SMYTH – Spouse of Cst. SMYTH

Lisa SMYTH and Cst. SMYTH have known each other since 1996. They started dating in 2006 and got married in 2007. They have one child together, [REDACTED].

On April 4, 2015, the Saturday before the shooting, they got together with friends at a cabin in Whitbourne, NL. Cst. SMYTH was working this date and didn't arrive there until supper time to join them. Cst. SMYTH had approximately two to three glasses of wine that evening before going to bed early, approximately 8:30 pm. The next morning he left for work around 8:00 am, Sunday morning April 5, 2015. Cst. SMYTH typically worked "3 and 2s" (work two days and off for two days or three days on and off for three days). This weekend in question he worked Friday, Saturday and Sunday and would have Monday and Tuesday off.

The first time she spoke to him after the incident was when she called him. He sounded like he had a cold when in fact she knew he did have one. She asked him if something was wrong and he said yes and told her he had just been involved in a shooting. She asked if he was okay and he said he was and that he would have to call her back. She did not know at this time who exactly had been shot or had done the shooting.

They have not had any relationship issues out of the normal of any couple who would argue or bicker about things at times. They have not had any financial issues and she said she makes a "ridiculous" amount of money and Cst. SMYTH makes good money as well. They overall do not have much stress in their lives.

Since she has known Cst. SMYTH he has never had any addiction issues of any sort. He is a social drinker. She did not know him well before he was a police officer. He used to live in Lake Louise teaching skiing before he joined the RNC.

She said Joe is not a violent person at all.

Since this event happened there hasn't been anything that she has heard that was alarming to her or caught her attention. She did state that Joe has been having dreams of getting shot

himself, of the situation going differently and that he told her he could feel getting shot. Believed this was normal. Statement of Lisa SMYTH (a0129.mp3) (596.PDF)

Use of Force Review

Cpl. Wayne KNAPMAN of the RCMP 'H' Division (Nova Scotia) is a Senior Use of Force Subject Matter Expert (SME) ¹¹. At the request of RCMP 'B' Division, Cpl. KNAPMAN completed a Use of Force Review into the police-involved shooting of Donald DUNPHY at Mitchell's Brook, NL on April 5, 2015. The intent of the review was to determine if the actions of Cst. SMYTH were reasonable and necessary with respect to the circumstances surrounding the fatal shooting.

Cpl. KNAPMAN reviewed all relevant file material and completed a synopsis of the event. Cpl. KNAPMAN considered the following during his review and concluding opinion:

- Police officers are given authority to use force under Section 25(1) of the Criminal Code of Canada;
- National Use of Force Framework Model;
- Critical analysis of use of force encounter;
 - Situational Factors
 - Perception / Tactical Considerations
 - The Subject's Behaviour
- Justification for the use of force;
 - Was the officer lawfully placed at the time of the incident?
 - Was the officer's use of force intervention necessary?
 - Were the officer's actions objectively reasonable given the totality of the circumstances?

Cpl. KNAPMAN concluded, in his opinion, that:

"After a thorough review of the incident the writer is of the opinion that Cst. Smyth's decision to use lethal force was reasonable and necessary given the totality of the situation. Donald DUNPHY threatened Cst. SMYTH with a rifle, he possessed the requisite weapon, intent and means to cause death or grievous bodily harm to this officer. These actions were consistent with what would be expected from a police officer of similar background and training.

¹¹ Subject Matter Expert (SME) Use of Force – An RCMP member that has knowledge and expertise in the area of police officer use of force. The SME is responsible to oversee the SME program, mentorship and providing advice to senior management regarding use of force matters. An SME can also provide expert opinion court testimony.

Cst. SMYTH's decision to use lethal force was necessary to defend his life against the imminent threat posed by Donald DUNPHY." Use of Force Review – Cpl. KNAPMAN (1144.PDF)

External Forensic Analysis - Bulletproof Forensic Consulting

Darryl BARR, is a Forensic Scientist who qualified in court as an expert witness on the subject of Firearms and Toolmark Identification on 61 occasions. BARR, of Bulletproof Forensic Consulting, was requested by the RCMP 'B' Division to review the shooting related evidence in the shooting death Donald DUNPHY. The account of Cst. SMYTH was reviewed and compared to the shooting related evidence in order to determine if any physical evidence existed that either supports or refutes the account of Cst. SMYTH.

In his summary of findings, BARR established that Cst. SMYTH'S notes, statements and re-enactment as it pertains to the shooting event of Donald DUNPHY is supported by the following elements of physical evidence:

- The number of gunshots determined to have been fired;
- The location and direction of projectile impact damage in the wall;
- The location and nature of projectile impact damage in the chair;
- The location and direction of gunshot wounds to DUNPHY;
- The distance from which the gunshots were fired at DUNPHY;
- The location of fired cartridge cases at the scene.

BARR concluded that, "No elements of the shooting related evidence were identified that refute the account of SMYTH." Review of Shooting Evidence – Bulletproof Forensic Consulting (1174.PDF)

Conclusion

The mandate of the RCMP investigation pertains only to a potential violation of the Criminal Code by Cst. SMYTH. In offering these conclusions, Cst. SMYTH's adherence to RNC policies and procedures was not considered, other than if an egregious delineation from training methodology or use of force protocols existed. If that violation of policy or procedure was serious enough that it could have potentially contributed to a criminal offence it would have been considered.

On April 5, 2015 Cst. SMYTH was on duty and acting in the performance of his role as a member of the RNC. More specifically, he was acting within the scope of his duties as a member of the PPD. He was in possession of information that, in his professional opinion, required some level of investigation. That investigation consisted of determining the meaning of some electronic posts on the 'Twitter' network. This type of inquiry was a routine part of Cst. SMYTH's duties and was not uncommon. Despite the routine nature of the inquiry Cst. SMYTH conducted numerous background checks on police databases and a Government Agency that knew Donald DUNPHY. He performed these queries to gain insight into the history and character of DUNPHY, and possibly the meaning of the comments themselves. No information was uncovered that would indicate DUNPHY would be violent towards Cst. SMYTH. Ultimately, Cst. SMYTH decided that DUNPHY himself would be the best source of information about the 'Twitter' comments, and a face to face meeting would best contribute to an overarching threat assessment against members of government. Based on his research, Cst. SMYTH determined his personal risk in conducting this duty was low.

Cst. SMYTH attended the DUNPHY residence but there did not appear to be anyone at home. Cst. SMYTH then visited the residence of DUNPHY's brother, who lived next door. As part of his ongoing assessment Cst. SMYTH asked numerous questions of DUNPHY's brother, and also his wife. Both described DUNPHY in a negative light but no indication that he could be violent was offered and they specifically said he had no firearms on his property. Cst. SMYTH's risk assessment on his personal safety remained low.

Cst. SMYTH, upon finding DUNPHY at home, identified himself as a member of the RNC and was invited inside the property. A conversation ensued wherein, in the moments to follow, DUNPHY became agitated, although no direct threats were made toward Cst. SMYTH. Cst. SMYTH stated he tried to keep DUNPHY calm, however DUNPHY appeared to view him as an arm of the government, a government that had relegated him to living in squalor. DUNPHY's comments at times were difficult to understand and consisted of mumbling. At a certain point, Cst. SMYTH noted DUNPHY frothing at the mouth, which he felt was a threat cue. Notwithstanding, Cst. SMYTH remained confident in his threat assessment as, should DUNPHY attempt a physical assault on Cst. SMYTH, their differences in age, health and stature left Cst. SMYTH feeling the situation could be handled with minimal effort. Cst. SMYTH had been noting the conditions in which DUNPHY was living and feels DUNPHY may have felt he was being judged because of this. Cst. SMYTH dislodged some garbage on the floor of the living room with his foot, causing insects to scramble. At this point Cst. SMYTH stated he 'had some concerns' about DUNPHY. Cst. SMYTH said this was meant as an empathetic comment about his living conditions, however DUNPHY seemed to be offended and blamed Cst. SMYTH and the government for this. This comment about 'having some concerns' seems to be the catalyst that caused DUNPHY to react.

Cst. SMYTH stated he was standing by the fireplace mantle while making notes and looking downward when he observed movement in his peripheral vision. He noted the barrel of a long gun moving toward him. Cst. SMYTH had not seen the weapon prior to this. Instinctively, Cst. SMYTH raised his left hand, shouting “NO, NO, NO!” numerous times and, with his right hand, he unholstered his service weapon while exiting the living room. The only way for Cst. SMYTH to leave the room was to bypass DUNPHY, who was seated near the exit, blocking a safe escape. Cst. SMYTH discharged his weapon twice, toward DUNPHY’s ‘centre mass’, however he did not note a response from DUNPHY. Cst. SMYTH did not know if he had hit DUNPHY but noted the barrel of the long gun still following his movements across the room. Cst. SMYTH discharged two more rounds while still exiting the room, this time into the head of DUNPHY. Cst. SMYTH at this point considered the threat had ceased. Cst. SMYTH then assessed DUNPHY and was certain that he was deceased. Cst. SMYTH conducted officer safety checks and called both the RCMP and RNC to advise of the shooting. There was nobody else in the residence at the time, and therefore no witnesses to the event as described by Cst. SMYTH. Cst. SMYTH provided the RCMP with a comprehensive statement and a video recorded re-enactment.

The RCMP investigation was comprehensive in nature, as outlined above. Investigators obtained many statements in order to gain understanding and insight into the event. Due to the fact that there were no independent witnesses, investigators relied heavily on forensic analysis. The combination of the work of the Chief Medical Examiner’s Office, the RCMP Forensic Identification Section, RCMP Forensic Laboratory, RCMP Subject Matter Expert for Use of Force, RCMP Crime Analysis Section and an external / independent review of the shooting evidence by Bulletproof Forensic Consulting, led to no evidence that disputes the statements of Cst. SMYTH.

Cst. SMYTH describes discharging his weapon four times. All ammunition casings and projectiles were located. Donald DUNPHY was found seated in a chair, as described by Cst. SMYTH, with a long barreled gun at his feet, a gun that both his daughter and brothers admit he had in his possession. There was no evidence found that a struggle occurred at the scene. There was no evidence at the scene that casts any shadow or doubt over the version of events offered by Cst. SMYTH.

It is the findings of the RCMP investigative team that Cst. SMYTH was lawfully in the execution of his duties as a Peace Officer when, confronted by the threat of grievous bodily harm or death by DUNPHY, he used the appropriate level of force to defend his life. There is no evidence to support any criminal charges in this matter.

